



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Dr. Juliet Berling

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Housing and Community Development
DATE: May 11, 2015
SUBJECT: 439 Court Street; Series A Site Plan Review
TAX ID #: 161.23-1-8
CASE: 2015-18

REVIEW REQUESTED

This application would provide for the demolition of three (3) residential buildings and one (1) commercial building and the construction of a 25,709 ft² drive through restaurant and associated parking.

SITE	SQ FT	EST
Res 1	1171	1890
Res 2	2560	1920
Res 3	2448	1910
Com 1	2037	1984
Total	8216	n/a

The proposed project includes nineteen (19) parking spaces, including six (6) stacking spaces. Site improvements include the construction of sidewalks along Court and Riverside Streets and landscape buffers around the property. The proposed project requires a Series A Site Plan Review by the Planning Commission.

STAFF FINDINGS AND RECOMMENDATIONS

Current lot coverage is 70.7%, which is .7% more than the allowable coverage. Planning Commission can waive up to an additional 5% coverage, provided that this exception does not adversely affect the integrity of the property or neighborhood.

The Planning Commission must determine:

1. If the requirements of Section 410-47 for a Series A Site Plan Review have been met.

STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the ***Standards for approval of site plans*** found in Section 410.47. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress

and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.

7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

OTHER REVIEWS

The proposed project is located within 500 feet of a County road. It is therefore subject to New York State Municipal Law 239 (l) and (m) which requires review by Broome County Department of Planning and Economic Development. The project was forwarded to the County on May 5, 2015.

The proposed project involves the demolition of three (3) structures greater than forty (40) years old and thus requires a determination of significance from the Commission on Architecture and Urban Design (CAUD). CAUD will review the applicant's determination of significance application at the May 26, 2015 meeting.

The Shade Tree Commission will review the landscape plan at the May 18, 2015 Shade Tree Commission meeting.

SITE REVIEW

The subject parcel is located on Court Street, bound by Bigelow and Riverside Streets. It consists of four (4) sites, three residential and one commercial, which were merged in 2009 to create the current property.

Land uses along this section of Court Street (in between the Griswold Street and Fairview Avenue intersections) are primarily commercial, while land uses to the north of the site are residential and neighborhood commercial.

PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

206 Robinson Street: In 2014, the Planning Commission approved a Series A Site Plan to construct a parking lot next to an existing church in the C-4, Neighborhood Commercial District.

247 Robinson Street: In 2014, the Planning Commission approved a Series A Site Plan to convert a commercial building into a neighborhood retail convenience outlet in the C-4, Neighborhood Commercial District.

203 Court Street: In 2014, the Planning Commission approved a Series A Site Plan and Special Use Permit to establish a medical treatment center in the C-1 Service Commercial District and the R-2 One and Two Family Dwelling District.

91 Broad Avenue: In 2014, the Zoning Board of Appeals voted to deny the use variance request to establish a convenience store in the R-2, One and Two Unit Dwelling District.

COMPREHENSIVE PLAN CONSISTENCY

The future land use map in the City's 2014 Comprehensive Plan identifies this site as "general commercial". The general commercial classification is intended to allow auto-oriented commercial land use patterns. The proposed drive-through restaurant, while accessible to pedestrians and via bus, would be primarily auto-oriented. Further, this proposed use would support the surrounding commercial development.

ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR Unlisted Action. The Planning Commission should be the lead agency to determine any environmental significance related to the site improvements.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)— see below.

SEQR Short EAF Part 1 – Project and Setting. Part I has been provide by the project applicant.

SEQR EAF Part 2 - Impact Assessment. The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Commission should be guided by the concept "Have our responses been reasonable considering the scale and context of the proposed action?"

	NO, OR SMALL IMPACT MAY	MODERATE TO LARGE IMPACT MAY
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	OCCUR	OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	X	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?	X	

EAF Part 3 - Determination of significance. For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

ENCLOSURES

Enclosed are copies of the project plans, site photographs, application and environmental assessment form.